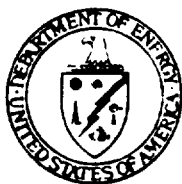


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PROGRAM REVIEW
DOE MARSHALL ISLANDS PROGRAMS

JANUARY 19, 1983
NV/PASO SUPPORT
W. J. STANLEY, DIRECTOR, PASO

Harry Brown's Files, NV
ME General

FROM
CIC

42585

SCRIPT FOR JANUARY 19, 1983

PROGRAM REVIEW MEETING

ON

MARSHALL ISLANDS PROGRAMS

NV/PASO SUPPORT

I. PURPOSE OF THE PROGRAM

General Hoover's message of December 17, 1982 establishing this meeting and setting forth its agenda asked that each presentation address these points: (A) Purpose of the program, (B) Accomplishments from 1972-1982, (C) Program goals, 1983-1986, and (D) Impact if the program is phased out in FY 1986.

I believe that the "Program" of the Pacific Area Support Office (PASO) can best be understood by a brief look at what PASO actually does - and how:

(See Page 13)

These are PASO's missions.

A. IMPLEMENT DOE RESPONSIBILITIES IN PACIFIC FOR NUCLEAR READINESS

PASO's primary mission in the Pacific stems from Safeguard "C" of the four Test Ban Treaty Safeguards

established by the Administration of President Kennedy in 1963 at the recommendations of the Joint Chiefs of Staff and the United States Senate.

(See Page 14)

Under this Presidentially mandated activity, PASO's role is to administer the DOE CPAF support contract effort with Holmes & Narver, Inc. at Johnston Atoll and in the Hawaiian Islands.

Approximately 230 H&N employees are engaged at Johnston Atoll, at Hickam AFB on Oahu, and at Kauai in support of Safeguard "C" activities. Most of this effort is at Johnston Atoll and is accomplished on a reimbursable basis under a long standing (17 years) Memorandum of Understanding with the Defense Nuclear Agency and their predecessor, the Defense Atomic Support Agency.

The presence of PASO, the Defense Nuclear Agency, and Holmes & Narver in the Pacific in carrying out our Nation's Safeguard "C" responsibilities, provides a solid cornerstone base upon which many other important DOE and other Federal agencies activities in the Pacific can be supported, at less cost to the U.S. Government, and more efficiently/ from an operational standpoint.

Safeguard "C" has been in effect since 1963. It was revised and restated by President Ford in 1976 as indicated in the viewgraph just displayed. PASO's activity in support of Safeguard "C" is expected to continue indefinitely, until and unless the Safeguard is changed by Presidential Directive or National Command Authority.

(See Page 13)

B. SUPPORT DOE BIOMEDICAL AND ENVIRONMENTAL PROGRAMS
IN THE MARSHALL ISLANDS

You were briefed this morning on the technical, scientific, operational and medical aspects of each of these biomedical and environmental programs in the Marshall Islands.

PASO's mission is to provide support to all of these programs. Simply put, Brookhaven National Laboratory or the Lawrence Livermore National Laboratory or the University of Hawaii provide the medical, scientific or technical manpower to implement their programs.

PASO provides the rest.

(See Page 15)

1. PROVIDE SHIP SUPPORT TO DOE PROGRAMS

Probably the single most important element of support provided by PASO to DOE Biomedical and Environmental Programs in the Marshall Islands is vessel support. Without these essential assets none of our programs could be successfully sustained.

Since 1974, ships under contract or charter to PASO have provided an average of approximately 200 days per year at sea or on station in support of DOE programs.

Almost without exception, our program users of these ships have acclaimed the level and quality of support provided by PASO and its support contractors in providing this essential service.

2. PROVIDE DOE REPRESENTATION ON SENSITIVE MISSIONS INTO THE MARSHALL ISLANDS

At the direction of DOE/HQ, NV provides a knowledgeable DOE representative to act as spokesman for the Department on each DOE mission into the Marshall Islands which involves contact with officials of the Republic of the Marshall Islands, or the leadership and people of remote Marshall Islands Atolls such as Rongelap, Uterik and Enewetak, or the island of Kili.

This continued representation of the Department policies has proven to be a needed and useful augmentation of the scientific and technical programs and has freed scientific and technical personnel of dealing with many onerous and difficult political and logistical problems.

3. ADMINISTRATION OF UNIVERSITY OF HAWAII CONTRACT FOR OPERATION OF MPRL AND FIELD STATION ENEWETAK

PASO administers the DOE cost type contract with the University of Hawaii, under which the University provides the scientific and technical effort to operate the Mid Pacific Research Laboratory at Enewetak. PASO, together with Holmes & Narver, provides all other support to permit the Laboratory to work on a stand alone basis in an isolated and remote environment. This support involves daily radio communication between PASO and MPRL, maintenance and operations of MPRL facilities, and resupply of food and supplies for the Laboratory.

In accepting, by reimbursable agreement with TTPI, responsibility for the food and fuel resupply of the Enewetak population, a broader base of logistical and transportation support became available both to DOE and TTPI programs with net economic and operational benefits accruing to each agency. This effort also provides us with a current, accurate appraisal of conditions at Enewetak, both as they are, and as they are perceived.

Recently, Typhoon Pamela swept Enewetak with devastating force. Because of the early warnings relayed by PASO, the Laboratory staff and Holmes & Narver personnel were able to secure most assets with no loss of life or serious injury.

By agreement with the Defense Nuclear Agency, personnel of Field Station Enewetak and MPRL provide periodic surveillance of the Cactus Crater Dome at Runit and report the results of such surveillance to the DNA, through the NV Deputy for Pacific Operations, Roger Ray.

The Cactus Crater Dome is the resting place for radiologically contaminated soil and debris removed from the other islands of the Atoll during the DOD Enewetak Cleanup Project.

4. GENERAL AND LOGISTICAL SUPPORT

In more mundane, but nevertheless very important areas, PASO arranges for transportation for all DOE program personnel from Honolulu, westward and return to Honolulu. By being located at Hickam Air Force Base we are in ideal position to make maximum use of both military and commercial air transportation. We make hotel arrangements, provide use of GSA vehicles in Honolulu, provide shipping, receiving and packing services for the users for scientific and technical equipment and supplies.

Another important PASO function is assistance with the care of BNL patients coming from remote islands to Honolulu or the mainland, and their escorts and translators. PASO provides all aspects of support for these people except actual medical care, of course, while they are transitting Honolulu or while receiving medical treatment in Honolulu.

These, then are the ways in which PASO supports the DOE's Biomedical and Environmental Programs in the Marshall Islands.

The fact that PASO and Holmes & Narver are able to use their established Safeguard "C" capability in Honolulu to support these additional programs makes it much less expensive to the DOE than it would be if these programs had to be supported in an independent mode.

(See Page 13)

C. COORDINATE NEST AND IRAP ACTIVITIES IN HAWAII

Basically, this involves establishing and maintaining liaison with the Federal community in Hawaii, the State of Hawaii government, and DOE offices and the laboratories on the mainland and reducing the results of such liaison to a written procedure.

An IRAP Incident

Should a radiological incident occur in Hawaii, PASO will respond to a request from the State Government under the

provisions of the Interagency Radiological Assistance Plan (IRAP) and will help determine what support is required. If the requirements are beyond the State's capability, PASO will call upon the DOD and other Federal agencies in Hawaii to provide the support. At the same time they will alert the San Francisco and Nevada DOE offices and have them prepare to deploy DOE assistance if it should be required. PASO will arrange for the logistical support for a mainland team if a team should be required.

A NEST Incident

In the event of a nuclear threat by an individual or group, PASO will work in support of the FBI to notify the DOE/Nuclear Emergency Search Team (NEST) organization and to provide logistical support to the NEST team when they are deployed to Hawaii. This may involve requests to the Services for space for Command Centers, for transportation and other logistical support. PASO's continuing contacts with the military services headquartered in Hawaii and with other Federal agencies can expedite and facilitate such requests and have been instrumental in such unplanned occurrences as the handling of Vietnam Refugees (1975) and the more recent deployment of NEST resources to Okinawa.

D. REPRESENT FCDNA DAY TO DAY ACTIVITIES IN HAWAII

This primarily involves making such arrangements for logistical support, travel, billeting, and meeting

appointments as we are requested to make by either DNA or FCDNA for VIP visitations to Hawaii, and of course, support of Johnston Atoll military personnel when requested.

At the request of Field Command, Defense Nuclear Agency, PASO acts as the initial point of contact and referral agency on inquiries directed to the former Field Command Office in Hawaii.

These then are PASO's missions. Now let's review our organization.

(See Page 16)

II. ORGANIZATION

Organizationally, PASO reports to the Office of the Manager of the Nevada Operations Office, through Roger Ray, the Deputy for Pacific Operations.

As the Director, PASO, I serve as Technical Project Manager for Holmes & Narver's Pacific Operations. It is in this capacity that I interact with the Defense Nuclear Agency as pertains to support contract activities at Johnston Atoll.

PASO consists of five people -- an Administrative Assistant, a Program Liaison Officer, a Program Liaison Specialist, an Administrative Officer, and a Director. All PASO staff report to the Director, PASO.

(See Page 17)

(See Pages 18, 19, 20)

III. FINANCIAL SUMMARY

These are the dollars that PASO manages.

This viewgraph illustrates an important point about PASO which could not be made with a mere identification of DOE funding sources. Namely, that PASO is a multi-functional organization which supports a wide variety of important Federal activities in the Pacific. The fact that PASO is in the Pacific in support of its cornerstone mission, Safeguard "C", provides a convenient and economical means for other Federal agencies to get their work performed on a reimbursable basis. As stated earlier, DOE Marshall Islands Programs benefit economically and operationally from this situation.

Now let's address General Hoover's remaining questions.

IV. PASO ACCOMPLISHMENTS FY 1972 - 1982

- A. Acquired ships to support DOE programs in the Marshall Islands.
- B. Established program coordination capability at Kwajalein and Majuro.
- C. Streamlined procedures and handling of Marshallese claims for transportation and per diem.

- D. Supported the DOE Northern Marshalls Radiological Survey.
- E. Supported the DOD Enewetak Clean Up Project.
- F. Established reliable radio communication between DOE vessels, remote Marshall Island locations and PASO.
- G. Supported the DOE Enewetak Radiological Support Project.
- H. Established a Field Station at Enewetak capable of accommodating MPRL requirements, other DOE program support requirements and TTPI food resupply needs.
- I. Expanded PASO support capability to other Government agencies in Pacific with attendant economies to Missile Recovery Programs, Trident/MX Transponder effort, TTPI food resupply of Enewetak.
- J. Transferred numerous Hawaiian Area Nuclear Readiness Facilities (Safeguard "C") to other Federal agencies for use and maintenance at no cost to DOE - with recall rights.
- K. Built and sustained in the Marshallese communities, an intangible but important amount of goodwill and trust in an environment which otherwise has from time to time been hostile to U.S. Government activities.

V. PASO PROGRAM GOALS 1983 - 1986

- A. Continue to support all ongoing DOE programs until and unless modified by National Command Authority or Negotiation with the RMI.
- B. Continue PASO support to other Federal agencies where joint or mutual interests so indicate.

VI. IMPACT IF PROGRAM IS PHASED OUT AT END OF FY 1986

The impact on PASO if DOE Marshall Islands Programs were phased out at the end of FY 1986 would be minimal. One, possibly two, PASO positions would be eliminated, but PASO would continue to support the remaining programs previously described in this briefing.

PASO'S MISSION

IMPLEMENT DOE RESPONSIBILITY IN PACIFIC FOR NUCLEAR READINESS

SUPPORT BIOMEDICAL AND ENVIRONMENTAL PROGRAMS IN THE MARSHALL ISLANDS

COORDINATE NEST AND IRAP ACTIVITIES IN HAWAII

REPRESENT FCDNA DAY-TO-DAY ACTIVITIES IN HAWAII (EFF. 7/1/81)

TEST BAN TREATY SAFEGUARDS

A

The conduct of comprehensive aggressive and continuing underground nuclear test programs designed to add to our knowledge and improve our weapons in all areas of significance to our military posture in the future.

B

The maintenance of modern nuclear laboratory facilities and programs in theoretical and exploratory nuclear technology which will attract, retain and insure the continued application of our human scientific resources to those programs on which continued progress in nuclear technology depends.

C

The maintenance of facilities and resources necessary to institute promptly nuclear tests in the atmosphere should that be deemed essential to the national security or should the treaty or any of its terms be abrogated by the Soviet Union.

D

The improvements of our capability within feasible and practical limits to monitor in terms of the treaty; to detect violation and to maintain our knowledge of Sino-Soviet nuclear activity capabilities and achievements.

SUPPORT DOE BIOMEDICAL AND ENVIRONMNETAL PROGRAMS
IN THE MARSHALL ISLANDS

-15-

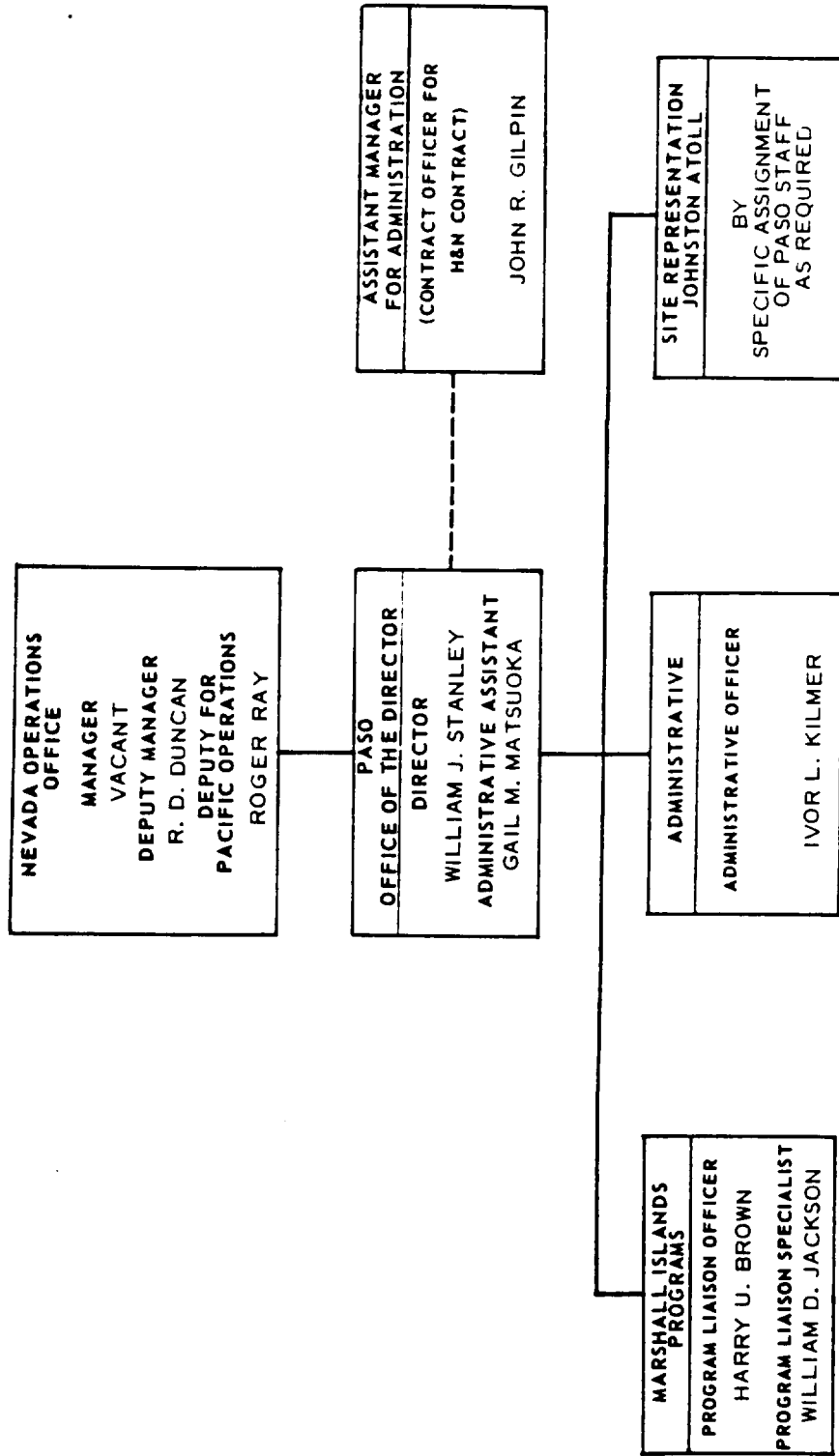
PROVIDE SHIP SUPPORT TO DOE PROGRAMS

PROVIDE DOE REPRESENTATION ON SENSITIVE MISSIONS INTO THE
MARSHALL ISLANDS

ADMINISTRATION OF UNIVERSITY OF HAWAII CONTRACT FOR OPERATION OF
MPRL AND FIELD STATION ENEWETAK

GENERAL AND LOGISTICAL SUPPORT

U. S. DEPARTMENT OF ENERGY
 NEVADA OPERATIONS OFFICE - PACIFIC AREA SUPPORT OFFICE



PASO FINANCIAL SUMMARY

\$(000)

<u>TOTAL FUNDING</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
SAFEGUARD C AND OTHER JA REIMBURSABLE	\$17,117	\$15,333	\$25,997	\$28,915
BIOMEDICAL & ENVIRONMENTAL	1,442	1,644	1,791	2,096
OTHER	<u>1,987</u>	<u>3,507</u>	<u>2,748</u>	<u>2,152</u>
GRAND TOTAL FUNDING	<u>\$20,546</u>	<u>\$20,484</u>	<u>\$30,536</u>	<u>\$33,163</u>
<u>DOE FUNDED--INCLUDED ABOVE</u>				
WEAPONS PROGRAM	\$ 429	\$ 320	\$ 346	\$ 377
BIOMEDICAL & ENVIRONMENTAL	1,442	1,644	1,791	2,096
PROGRAM DIRECTION	<u>23</u>	<u>25</u>	<u>28</u>	<u>32</u>
TOTAL DOE FUNDING	<u>\$ 1,894</u>	<u>\$ 1,989</u>	<u>\$ 2,165</u>	<u>\$ 2,505</u>

DETAILS OF PASO FINANCIAL SUMMARY
(\$000)

DOE
FUNDED

- 18 -

	<u>SAFEGUARD C</u>	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
*	HAWAIIAN AREA FACILITIES & JA INACTIVE FACILITIES MAINT	\$ 75	\$ 80	\$ 86	\$ 92
	JA FACILITIES MAINT SUPPORT TO FCDNA	14,501	12,386	15,400	13,500
	JA 15th ABW	54	60	65	70
	JA CENTRAL BASE FUND	37	38	50	60
	MATSON	42	42	50	60
	CLUBS & PACKAGE STORE	259	290	325	375
	CONTINENTAL AIR	54	55	60	65
	KENTRON	46	74	80	85
*	SANDIA LOGISTICAL SUPPORT - KAUAI	354	240	260	285
		<u>\$15,422</u>	<u>\$13,265</u>	<u>\$16,376</u>	<u>\$14,592</u>

DOE
FUNDED

	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
<u>OTHER JA ACTIVITIES</u>				
WESTCOM	\$ 1,229	\$ 1,200	\$ 1,300	\$ 1,400
USCG	376	435	475	520
NOAA	40	50	55	60
JACADS	12	335	7,739	12,286
MEDICAL SERVICES TO ARMY	<u>38</u>	<u>48</u>	<u>52</u>	<u>57</u>
	<u>\$ 1,695</u>	<u>\$ 2,068</u>	<u>\$ 9,621</u>	<u>\$14,323</u>

BIOMEDICAL & ENVIRONMENTAL PROGRAMS

ENVIRONMENTAL PROGRAMS COMMON SUPPORT	\$ 844	\$ 925	\$ 985	\$ 1,080
BNL MEDICAL PROGRAM SUPPORT	142	165	182	200
MARSHALLESE MEDICAL TRAVEL SUPPORT	25	30	30	30
BNL BIOASSAY PROGRAM SUPPORT	8	25	30	35
LLNL ENVIRONMENTAL PROGRAM SUPPORT	86	75	80	85
ENEWETAK FACILITY MAINTENANCE	188	212	233	331
ENEWETAK SCIENTIFIC RESEARCH - MPRL	116	159	178	205
CAPITAL EQUIPMENT	<u>33</u>	<u>53</u>	<u>73</u>	<u>130</u>
	<u>\$ 1,442</u>	<u>\$ 1,644</u>	<u>\$ 1,791</u>	<u>\$ 2,096</u>

**DOE
FUNDED**

	<u>FY 82</u>	<u>FY 83</u>	<u>FY 84</u>	<u>FY 85</u>
<u>OTHER REIMBURSABLE</u>				
TTPI	\$ 718	\$ 562	\$ 600	\$ -0-
BMD ADVANCED TECH CENTER -DOT	241	-0-	-0-	-0-
U.S. NAVY - TRIDENT	360	2,800	2,000	2,000
U.S. OCEANOGRAPHY	42	50	50	50
OTHER MISC.	<u>103</u>	<u>70</u>	<u>70</u>	<u>70</u>
	<u>\$ 1,964</u>	<u>\$ 3,482</u>	<u>\$ 2,720</u>	<u>\$ 2,120</u>
<u>PROGRAM DIRECTION</u>	<u>\$ 23</u>	<u>\$ 25</u>	<u>\$ 28</u>	<u>\$ 32</u>
<u>GRAND TOTAL</u>	<u>\$20,546</u>	<u>\$20,484</u>	<u>\$30,536</u>	<u>\$33,163</u>

JUN 6 1983

Mr. H. C. Grahn
Assistant Director for
Financial Planning
Brookhaven National Laboratory
Upton, Long Island, N. Y. 11973

Dear Mr. Grahn:

I have your letter of May 19, 1983, regarding legal and related expenses incident to the Marshall Islands' lawsuits. You have appealed to me to help obtain funding for these expenses so that irreparable damage to the Marshall Islands programs does not occur.

First, let me assure you that I have control of no funds other than those which have been allocated to specific program efforts. I have no authority to reprogram those funds for litigation support or for any other direct administrative laboratory costs. By letter of May 13, 1983, copy enclosed, acting for the Manager of the Nevada Operations Office, I wrote to the Manager of the Chicago Operations Office and advised him that Nevada considers the assignment of the subject costs to the Marshall programs inappropriate. I believe that you should expect direction in this matter through the laboratory's contractual channel, that is, from Chicago through the Brookhaven Area Office.

Meanwhile, I cannot concur in any of the suggested program curtailments.

Sincerely,

Original Signed By
ROGER RAY

Roger Ray, Deputy for
Nuclear Operations

Enclosure:
As stated

cc:

V. P. Bond, BNL
N. P. Rathvon, Jr., BNL
R. H. Bauer, CH, w/o encl.
D. Schweller, Brookhaven Area Office
J. E. Rudolph, DP-224, MA, GTN, w/o encl.
A. Bryan Siebert, Jr., DP-3.1, GTN

DOE F.1325.10
(7-79)

Roger Ray (DPO) COMES, 1983
HARRY BROWN'S Files, NV
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Department of Energy
Nevada Operations Office
P. O. Box 14100
Las Vegas, NV 89114

MAY 13 1983

Robert H. Bauer, Manager, Chicago Operations Office

LEGAL EXPENSES BROOKHAVEN NATIONAL LABORATORY

I enclose copies of two letters from Brookhaven National Laboratory detailing that laboratory's concern over legal expenses incident to the defense of certain lawsuits.

Upon receipt of the letter addressed to him, Roger Ray telephoned the writer of that letter, Mr. Grahn, and told him that, as the Program Manager for DP's Marshall Islands Programs, he considered it inappropriate to charge the laboratory's legal expenses, as a direct cost, to that program. The lawsuits in question do not arise from actions under the current Marshall Islands program and funds appropriated and authorized for that program cannot, in our opinion, properly be diverted to defense of those suits.

We understand that AUI and BNL are now developing an impact statement based upon an assumption that the legal expenses (now totalling approximately \$150K) will be absorbed by the Marshall Islands program. Without seeing that impact statement, Mr. Ray assures me that the impact would likely be severe upon a program mandated by the Congress and could adversely affect government-to-government negotiations with the Republic of the Marshall Islands.

We understand further that the staff in OMA, HQ, is undertaking to obtain relief in these legal expense matters for FY-1984. I urge you to provide direction to AUI which will protect the Marshall Islands program from the FY-1983 impact.

Original Signed By
ROGER RAY

Ray D. Duncan
Acting Manager

Enclosure

cc:

J. E. Rudolph, DP-224, MA, GTN
w/o encl.



BROOKHAVEN NATIONAL LABORATORY
ASSOCIATED UNIVERSITIES, INC.

Upton, Long Island, New York 11973

(516) 282-
FTS 666/ 3317

Office of the Director

May 19, 1983

Mr. Roger Ray
U.S. Department of Energy
Nevada Operations Office
P.O. Box 14100
Las Vegas, Nevada 89114-4100

ACTION DPO
INFO _____
R. F. _____
AMA _____
AME & C _____
AMD _____

Dear Mr. Ray:

This letter is a follow-up to a joint telephone conversation Dr. V. P. Bond and I had with you on May 16, 1983 on the subject of BNL's Marshall Islands research program activities. I informed you that it is our current estimate that we expect to incur about \$150,000 of "out of pocket" legal and related expenses this fiscal year associated with the fact that Brookhaven National Laboratory is one of several defendants named in lawsuits arising from the 1954 H-bomb test and the various surveys of Marshallese and their Islands that subsequently occurred. Specifically, our conversation dealt with the issue of the impact on BNL's Marshall Islands programs if no additional funding is provided and if we are required to absorb litigation expenses out of existing program funds.

I shall first address the impact of our allocating a portion of the potential funding problem (\$50,000) to our Safety and Environmental Protection Division which is responsible for two programmatic efforts: the "Marshall Islands Radiological Safety Program" and the "Dose Reassessment for Rongelap and Utirik." It will be necessary to cancel the June bioassay assessment of radiation exposures on Rongelap and Utirik Atolls. Body burdens of ^{137}Cs have been increasing since 1979 in Rongelap and Utirik persons. There is clearly a responsibility to document and evaluate radiation exposures (Public Laws 95-134 and 96-205).

Politically, this cancellation may appear to be a coverup. In view of the very limited data on plutonium measurements in urine and feces, one cannot predict future health and safety implications of plutonium in urine or feces or predict the impact of increasing body burdens. If our lawyers wish to present facts, then further information must be supplied now.

The impact on the thyroid dose reassessment at Rongelap and Utirik Atolls would be complete curtailment. Substantial effort is still needed to document calculations and to estimate uncertainties attached to the dose estimates. This program has an anticipated out-year of 1985, and the funds are necessary to finish the draft, review the draft, and publish a final report.

11 2 10 E

The impact on work activity at the Laboratory would be to prevent personnel from using support to perform job tasks. Since our remaining operating funds are committed in large part to salaries, it would be necessary to sacrifice materials, supplies, and travel funds. We could not implement α -spectroscopy needed for fecal analysis or track etch techniques needed for urine analysis. We would not have funds necessary to document our work since we could not pay for graphic arts, photography, word processing and related services. Lack of funds to obtain critical supplies for one job would have a domino effect and stop or delay program goals.

The other program at BNL, "Medical Studies of the People of the Marshall Islands Accidentally Exposed to Fallout," is carried out by our Medical Department. If this program were required to absorb the litigation expense balance of \$100,000 in FY 1983 the impact would be quite severe. We will have to defer costs already incurred for travel associated with the spring 1983 medical survey (\$35,000). These will be processed for payment when FY 1984 funds are received. Similarly, expenses for surgery on patients who arrived at Brookhaven last week-end (\$11,000), payment of relocation expenses for Dr. Brewerton, the new resident physician (\$10,000), and payments to R. Larsen for thyroid evaluations (\$3,000), and other undetermined costs (estimated at \$7,000) will not be paid until FY 1984. To further reduce costs, the June interim survey, which is performed by resident personnel, could be cancelled (\$6,000) and materials and supplies which would have been purchased (\$14,000) for the usual fall survey could also be cancelled. Finally, personnel costs could be reduced by involuntary severance of the excellent Marshallese nurse and technician who are employed at Kwajalein (\$14,000). These terminations would have to be effective July 1 but would seriously jeopardize the program in the future.

These circumstances would significantly cripple the program. Two employees would be terminated, the fall 1983 survey would be eliminated, and spring 1984 survey activities severely restricted in scope. All this would occur while placing a mortgage on FY 1984 funds as well.

If irrevocable changes to the program are to be avoided, the employees mentioned must not be terminated as they are essential for interim surveys, preparation for the major surveys, and the continuity of the program which included assistance for the physician-in-residence.

As you can see from what has been stated above, if additional funds are not forthcoming to pay for the litigation costs, the impact on our research problems in FY 1983 will be devastating. Furthermore, we are very concerned about such costs in FY 1984 and beyond. The overall cost is expected to be quite large and beyond the ability of the Laboratory to absorb without taking the money from other programs. Furthermore, it is neither equitable nor logical to tax other unrelated programs to defend these claims. The appropriate, and only solution, we believe, is for DOE to provide a special fund, available to all the defendants, to pay expenses incurred in defending the Marshall Islands litigation.

May 19, 1983

At an internal Laboratory meeting on May 17th to discuss the subject, BNL's Director, Dr. N. P. Samios, expressed his concern about the severity of the impact on our Marshall Islands research programs if we have to absorb the full amount this fiscal year of the current litigation cost estimate of \$150,000. He has reluctantly expressed a willingness for us to explore other funding sources within BNL to partially offset some of the estimated litigation cost in the event that DOE does not provide all or most of the funds required to cover such costs.

As you are aware, BNL has repeatedly raised the issue of where the funds are coming from to pay for the litigation costs. In response we were told that various working groups were exploring funding strategies including the possibility of establishing a special fund, which would be available to all defendants, to pay legal expenses. However, at this time there is no clear signal that such relief will be provided. We believe it is inappropriate to "tax" the national laboratories for these legal expenses. I appeal to you as DOE's Program Manager for BNL's Marshall Islands efforts to help us to obtain funding for these expenses so that irreparable damage to our programs does not occur.

Sincerely yours,



H. C. Grahn
Assistant Director
for Financial Planning

cc: V. P. Bond
N. P. Rathvon, Jr.
D. Schweller